

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

HEATHER WYATT, as Administratrix of
the Estate of Aubreigh Wyatt and HEATHER
WYATT, INDIVIDUALLY AND AS PARENT/
GUARDIAN OF AUBREIGH WYATT

PLAINTIFF

VS

Case No.:1:25cv98 TBM-BWR

OCEAN SPRINGS SCHOOL DISTRICT, OCEAN
SPRINGS BOARD OF TRUSTEES, OCEAN
SPRINGS SCHOOL DISTRICT SUPERINTENDENT;
OCEAN SPRINGS UPPER ELEMENTARY: TEACHERS
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z,
And OCEAN SPRINGS MIDDLE SCHOOL: TEACHERS
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z,

DEFENDANTS

NOTICE OF REMOVAL

Comes Now, Ocean Springs School District, “Ocean Springs Board of Trustees,” “Ocean Springs School District Superintendent” (“School District Defendants”) in the above-captioned cause, pursuant to 28 U.S. Code § 1441, and without waiving any of its defenses, hereby gives notice of removal of this case from the Circuit Court of Jackson County, Mississippi, to the United States District Court for the Southern District of Mississippi and in support thereof, would show the Court as follows:

INTRODUCTION AND BASIS FOR REMOVAL

Plaintiff filed her complaint in the Circuit Court of Jackson County, Mississippi, on Friday, February 7, 2025, then filed an amended complaint on Sunday, February 9, 2025. The only

difference between the two pleadings was the inclusion of multiple exhibits to the amended complaint.

This Court has original jurisdiction over claims arising under the Constitution of the United States and federal law. Such has been alleged within the complaint attached hereto. Plaintiff asserts a claim under Title IX of the Civil Rights Act. See copy of complaint, Exhibit “1,” ¶¶ 45-51.

To date, service of process has neither been issued nor served. However, on March 31, 2025, undersigned counsel entered a general appearance, acknowledging such constitutes a waiver of service of process.

As of this date, there is no record Plaintiff has taken steps to either identify the unnamed defendants, nor effect service of process. A copy of the Circuit Court of Jackson County, Mississippi, record and docket is attached hereto as Exhibit “1” excepting the exhibits attached to the amended complaint.

As soon as a cause number is assigned in conjunction with this Removal, motion will be made to provide the amended complaint exhibits under seal as Plaintiff included exhibits containing the full names of minors, as well as other personally identifiable information subject to redaction. Plaintiff failed to redact same prior to filing the amended complaint and its attached exhibits in state court.¹

In the absence of proof of service upon the other defendants, agreement to removal by all defendants is not required. *Spillers v. Tillman*, 959 F. Supp. 364, 368 n.2 (S.D. Miss. 1997).

¹As is required in federal court, redaction of minors’ names and personally identifiable information is required in Mississippi State Court pursuant to the Administrative Procedures for Electronic Courts, Rule 9(A).

JURY DEMAND

Plaintiff demanded a jury trial in the state court action.

CONCLUSION

BASED ON THE FOREGOING, the School District Defendants remove this case from the Circuit Court, Jackson County, Mississippi to this Court.

Respectfully submitted, this the 31st day of March, 2025.

OCEAN SPRINGS SCHOOL DISTRICT, OCEAN
SPRINGS BOARD OF TRUSTEES, OCEAN
SPRINGS SCHOOL DISTRICT SUPERINTENDENT

BY: /s/ Allison P. Fry
ALLISON P. FRY, MSB 100725

STEVEN L. LACEY (MBN 99888)
Sherman & Lacey, LLC
P.O. Box 2681
Madison, MS 39130
Direct: (601) 750-3415
Email: slacey@shermanlaceylaw.com

ALLISON P. FRY, MSB 100725
Sherman & Lacey, LLC
504 Naples Road
Jackson, MS 39206
Tel: (601) 519-7556
Email: afry@shermanlaceylaw.com

CERTIFICATE OF SERVICE

I, Allison P. Fry, attorney for the Ocean Springs School District Defendants as identified above, do hereby certify that I have this day caused to be served a true and correct copy of the foregoing document via electronic mailing and/or United States Postal Service to the following counsel of record:

Kimberly Papania
P.O. Box 7544
Gulfport, MS39507
Email: kpapanialaw@outlook.com

/s/ Allison P. Fry
ALLISON P. FRY, MSB 100725